IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.2796 of 2004

Smt.Shobhana Laxman Limaye Petitioner
Vs.
M/s.Nandan Builders & ors. Respondents

Mr.V.B.Borwankar with Mr.A.Pratinidhi for petitioner.

CORAM: B.H.MARLAPALLE,J.

June 12, 2006.

P.C.

. Heard Mr.Borwankar with Mr.Pratinidhi, the learned counsel for the petitioner-plaintiff. In Regular Civil Suit No.719 of 1999 filed for a declaration and injunction, the plaintiff took out an application at Exhibit 17 for impleading one Mr.Charudatta Bhaskar Godbole as an additional defendant and the said application came to be rejected by the learned 3rd Jt.Civil Judge, Senior Division, Pune on 7/1/2002.

. Thus it is clear that the impugned order had been passed four and half years ago and this petition is still pending for admission without any ad-interim order. On the other hand the Farad shows that the petition was filed on 10/3/2004 i.e. after more than two years from the impugned order. On the count of

this inordinate delay itself this petition is required to be rejected summarily.

. It is also noted that the application at Exhibit 17 was filed solely on the basis of the alleged statement of the defendants recorded by the Asst. Commissioner of Police and to the effect that the defendants had stated that the suit flat was transferred to Mr.Godbole by the sale deed registered on 12/10/1995 vide Registration No.8763/3/39. Nothing prevented the petitioner from obtaining the certified copy of the property extract or any other document to show that the sale deed was registered on 12/10/1995 and the suit flat was in fact transferred in the name of Mr.Godbole who was sought to be impleaded as an additional defendant. The trial Court rightly noted that solely on the basis of the alleged statement having been made before the enquiry conducted by the Asst. Police Commissioner the application could not be allowed. This view taken by the trial Court does not call for interference and hence the petition fails.

. The petition is rejected summarily. However, this order will not come in the way of the petitioner

to apply afresh by bringing on record the documentary evidence to show that the suit flat has been in fact transferred in favour of Mr.Charudatta Bhaskar Godbole by the defendants.

(B.H.MARLAPALLE,J.)